

REMARKS/ARGUMENTS

Amendments

The claims are modified in the amendment. More specifically, claims 20, 28 and 31-33 have been amended. Therefore, claims 1-35 are present for examination. Applicant reserves the right to pursue any un-amended canceled or withdrawn claims in a continuing application without any prejudicial effect. No new matter is added by these amendments. Applicant respectfully requests reconsideration of this application as amended.

Allowable Subject Matter

Applicant notes with appreciation that in the Office Action, claims 1-19 and 33-35 are allowed.

Double Patenting

Claims 1, 20, and 33 are rejected on the ground of nonstatutory double patenting over claims 1, 12, 29, 33, 34, and 35 of issued Patent No. 7,464,392. Applicants believe the claims in their currently amended form provide significant limitations not claimed in issued Patent No. 7,464,392. Claim 1, for example, recites a program viewing limit control system that determines a roll over amount when the first time period viewing limit budget exceeds the first time period spent budget, the roll over amount being limited by a parental control rule and prevents further viewings of the first program and the second program during the second time period if the second time period spent budget exceeds the second time period viewing limit budget combined with the roll over amount and inserts a pre-selected program. None of the claims in the '392 patent recite these limitations. These limitations are not obvious variations. Reconsideration of the rejection is respectfully requested.

35 U.S.C. § 103 Rejection

Claims 20-22, 25-28, 30-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2003-0005447 to Rodriguez et al. ("Rodriguez") in view of U.S. Patent No. 5,400,402 to Garfinkle ("Garfinkle") further in view of U.S. Patent No. 5,331,353 to Levenson ("Levenson"). Claims 24 and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rodriguez in view of Garfinkle further in view of Levenson and further in view of U.S. Patent No. 6,144,401 to Casement ("Casement"). Claim 23 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Rodriguez in view of Garfinkle further in view of Levenson and further in view of U.S. Patent No. 5,973,683 to Cragun ("Cragun"). Claims 24 and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rodriguez in view of Garfinkle further in view of Levenson and further in view of U.S. Patent No. 6,144,401 to Casement ("Casement"). Claim 23 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Rodriguez in view of Garfinkle further in view of Levenson and further in view of U.S. Patent No. 5,973,683 to Cragun ("Cragun").

In the Office Action, claims 1-19 and 33-35 were deemed to be allowable because the art of record did not teach or suggest the claims taken as a whole and particularly pertaining to "counts a first number of viewings of a first program and a second number of viewings of a second program during the first time period the first program having a first point value and the second program having a second point value; prevents further viewings of the first program and the second program during the second time period if the second time period spent budget exceeds the second time period viewing limit budget combined with the rollover amount and inserts a pre-selected program." *Office Action*, page 2. Independent claim 20 has been amended to recite limitations similar to the limitations of independent claims 1 and 33. Thus, independent claim 20 is allowable in view of the cited prior art of record for the same reasons that claims 1 and 33 are allowable.

Appl. No. 10/824,625
Amdt. dated November 25, 2009
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 2425

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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